

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested. Claims 1 and 3-30 remain pending. Claims 1, 5, 16, 19, 21 and 29 are independent. Claims 13-18 and 26-29 are withdrawn from consideration.

ALLOWABLE SUBJECT MATTER

Applicant appreciates that the Examiner considers claims 5-10 and 21-24 as being allowable. Applicant also appreciates that the Examiner considers claims 11-12 and 25 to include allowable subject matter.

CLAIM OBJECTION

Claim 1 stands objected to for informalities. More specifically, the Examiner indicates that claim 1 should be amended to recite “the organic insulating layer being disposed below the second inorganic insulating layer” instead of the first inorganic insulating layer, as illustrated in Fig. 9E of the specification. To address this objection, claim 1 is amended as shown so that the terminologies used in claim 1 are entirely consistent with the terminologies used in the specification. **There is no change to the scope of the claim due to the amendment.**

Dependent claims 11 and 12 are also amended to be consistent with the changes to independent claim 1. **Again, the scope of the claims is not altered by the amendments.**

Similarly, allowed claims 5, 6 and 8 are amended merely to enhance the consistencies of the terminologies used in the specification. **The scope of the claims is not altered, and thus, these claims remain allowable.**

Applicant respectfully requests that the objection to the claim be withdrawn.

§103 REJECTION – TANAKA, MOON

Claims 1, 3-4, 19-20 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tanaka (U.S. Patent 6,011,608) in view of Moon et al. (U.S. Patent 6,683,668). *See Final Office Action, items 2 and 3.* Applicant respectfully traverses.

The Examiner admits that Tanaka does not teach a second inorganic layer so that the organic insulating layer is between the first and second inorganic insulating layers. *See Final Office Action, page 3.* To cure for this admitted deficiency of Tanaka, the Examiner relies upon Moon to allegedly teach the first and second inorganic layers with an organic layer therebetween. More specifically, referring to Fig. 6 of Moon, the Examiner alleges that the gate insulating film 62, the first protective layer 68, and the second protective layer

84 are equivalent to the first inorganic insulating layer, the organic insulating layer, and the second inorganic insulating layer as recited in claim 1.

However, Moon also teaches that the pixel electrode layer 72 and the alignment film 74 are to be formed above the second protective layer 84. *See Moon, Fig. 6; column 4, lines 18-52 and column 5, lines 18-58.*) The alignment film 74 as formed is necessary for proper alignment of the various pixel regions. In addition, for the proper operation of the display device, the pixel electrode 72 must be formed above the second protective layer 84 as shown. The required electric field for image display is created when a voltage is applied to the pixel electrode 72 that is connected to the drain electrode 70 of the TFT. In other words, the pixel electrode 72 and the alignment layer 74 are both necessary for the pixel operation of the display device.

Thus, if Tanaka is modified with the teachings of Moon in its entirety as required (see MPEP 2141.02), Tanaka would be modified to form both the pixel electrode layer and the alignment layer above the inorganic insulator 20 since they are both necessary for the proper operation of the device. *See Tanaka, Figure 7.* When this occurs, the sealant 45 cannot be in contact with the inorganic insulator 20. Thus, the resulting modification actually teaches away from the feature of “a seal pattern between the second inorganic insulating layer and an inner surface of the second substrate, the seal pattern contacting at least a part of the second inorganic insulating layer” as recited in claim 1.

Because modifying Tanaka with Moon teaches away from the invention as claimed, by definition, there is no motivation to apply Moon's configuration to Tanaka's sealing area as suggested by the Examiner. *See M.P.E.P 2141.02.* Since there is no motivation to combine the references in the manner suggested by the Examiner, any rejection based on the combination of Tanaka and Moon references is invalid.

It is also noted that the configuration described in Moon pertains to the area where pixel electrode is formed while Tanaka's description pertains to the sealing area. The Examiner did not adequately demonstrate how the teachings that pertain to the pixel electrode area can be combined with descriptions that pertain to the sealing area can be combined. Thus, the Examiner did not meet the burden of establishing a *prima facie* case of obviousness.

For at least the reasons stated above, independent claim 1 is distinguishable over the combination of Tanaka and Moon.

Similarly, independent claim 19 recites, in part, "attaching a second substrate to the first substrate such that the seal pattern contacts the inorganic insulating layer." Applying the reasons discussed above in connection with claim 1, there is no motivation to combine Tanaka and Moon as suggested by the Examiner. In addition, it is also noted that the combination of Tanaka and Moon cannot teach or suggest the feature of the seal pattern contacting both the inorganic insulating layer and the second substrate as recited in claim

19. For at least the reasons stated above, claim 19 is distinguishable over the combination of Tanaka and Moon.

Claims 3-4, 20 and 30 depend from independent claims 1 and 19, directly or indirectly. Therefore, for at least the reasons stated above with respect to claims 1 and 19, these dependent claims are also distinguishable over the combination of Tanaka and Moon.

Applicant respectfully requests that the rejection of claims 1, 3-4, 19-20 and 30 based on Tanaka and Moon be withdrawn.

ELECTION/RESTRICTION

Claims 13-18 and 26-29 are apparently withdrawn from consideration. However, claims 13-15 and 26-28 currently depend from non-withdrawn claims. As a result, a rejoinder is respectfully requested upon indication of allowable subject matter.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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